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May 5, 2025

VIA ECF

Hon. Andrew E. Krause, U.S.M.J.
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

Re: *Project Veritas et al. v. O'Keefe et al.*, No. 23-CV-04533-CS-AEK
(S.D.N.Y.)

Dear Judge Krause:

I write on behalf of Counterclaim-Defendants Project Veritas (“PV”) and Project Veritas Action Fund (“PVAF”) (collectively, “Counterclaim-Defendants”), jointly with counsel for Counterclaim-Plaintiffs James O’Keefe and Transparency 1, LLC d/b/a O’Keefe Media Group (collectively, “Counterclaim-Plaintiffs”), further to the status conference held before Your Honor on April 28, 2025, and the Court’s subsequent order relating thereto. (*See* Docket Sheet, Minute Entry dated Apr. 28, 2025).

The parties met and conferred on May 1, 2025, to discuss the schedule for remaining depositions, confidentiality designations to the transcript of the deposition of Joseph Barton, and the subpoena to Joshua Hughes. Regarding the schedule for depositions of party witnesses, the parties agreed as follows:

- The deposition of Ben Wetmore will take place on June 5, 2025 (9 am-12 pm) and continue to June 6, 2025. Mr. Wetmore will testify both in his individual capacity and as a representative of PV and PVAF.
- The deposition of Joshua Hughes will take place on June 25, 2025. Mr. Hughes will testify both in his individual capacity and as a representative of PV.

The parties continue to discuss narrowing of document requests to Mr. Wetmore and Mr. Hughes, including agreed-upon search terms, and no dispute in that regard is presently ripe for the Court’s consideration.

With respect to the depositions of third-party witnesses, the parties have agreed on the following tentative schedule, subject to any third-party objections and witness availability:

- **John Garvey:** May 14, 2025 (Back-Up Dates: June 26, 27, or 30, 2025);
- **Barry Hinckley:** May 21, 2025 (Back-Up Dates: June 26, 27, or 30, 2025);
- **Tom O'Hara:** May 22, 2025 (Back-Up Dates: June 26, 27, or 30, 2025); and
- **Matthew Tyrmand:** May 28, 2025.

Counterclaim-Plaintiffs also anticipate taking the depositions of the following third parties, and the parties have agreed to cooperate in scheduling such depositions, subject to witness availability:

- **Wendy and Dave Hirsch:** June 2, 2025;
- **Ken Larrey;**
- **Kyle Seraphin;** and
- **Paul Calli.**

Finally, the parties have resolved their dispute concerning the confidentiality designations for the transcript of Joseph Barton's deposition.

The parties thank the Court and remain available to address any questions the Court may have.

Respectfully Submitted,



Michael J. Harris

The parties' proposed deposition schedule is hereby ADOPTED as an order of the Court. If the parties seek to make any changes to this schedule, they must submit an application to the Court to modify the order. If the application is submitted on consent and does not require the adjustment of any discovery deadlines, the application is likely to be granted. If the application is not submitted on consent, or if it would require the adjustment of any discovery deadlines, the application is likely to be denied. By May 23, 2025, the parties must provide a status report regarding the document requests to Mr. Wetmore and Mr. Hughes, so that there is sufficient time to address any disputes without impacting the discovery deadlines. The parties are reminded that the deadline for the completion of ALL fact depositions is **July 1, 2025**, and it applies as well to the depositions of non-party witnesses Ken Larrey, Kyle Seraphin, and Paul Calli, for which the parties have provided no dates. Accordingly, by June 10, 2025, the parties must submit a further status report to provide firm dates for the depositions of these non-party witnesses and update the court as to which depositions have been completed and which have been moved to one of the approved back-up dates.

Dated: May 9, 2025

SO ORDERED.



ANDREW E. KRAUSE
United States Magistrate Judge